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Attorney for Defendant  
Omari Evans

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLEY *et al.*,

Defendant.

CASE NO. CR 12CR0495-SBA

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING STATUS  
CONFERENCE**

OAKLAND VENUE

Current Court Date: Jan 7, 2013 09:30 AM

Proposed Court Date: Jan 11, 2013 09:30 AM

Location: Courtroom 4, 3<sup>rd</sup> Floor

The above-captioned case is currently scheduled for a status conference on January 7, 2013 at 09:30 A.M. However, counsel for Mr. Evans is scheduled has a conflict on that date. Accordingly, the parties have agreed to vacate the January 7, 2013 hearing date, and continue the status hearing to January 11 at 09:30 A.M.

1 Furthermore, the parties stipulate and jointly request that time be excluded from the  
2 Speedy Trial Act calculations from January 7, 2012, through January 11, 2013 for continuity,  
3 effective preparation of counsel, and preparation for trial.

4 The parties agree that the ends of justice served by granting such a continuance outweighed  
5 the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A).  
6 To date, all time has been excluded under the Speedy Trial Act, Title 18, United States Code,  
7 Section 3161 and seventy days therefore remain on the Speedy Trial clock.  
8

9  
10 IT IS SO STIPULATED

11 12/31/12

/s/

12 DATED

MELINDA HAAG  
United States Attorney  
Northern District of California  
JAMES MANN  
Assistant United States Attorney

13  
14  
15  
16  
17 12/31/12

/s/

18 DATED

ERICK L. GUZMAN  
Attorney for Mr. Evans

~~PROPOSED~~ ORDER


For good cause shown, the motion hearing now scheduled for January 7, 2013 is vacated. The matter shall be added to the Court's calendar on January 11 at 9:30 A.M.

In addition, for the reasons stated above, the Court finds that an exclusion of time from January 7, 2013 through January 11, 2013 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. §3161(h)(8)(B)(iv).

**IT IS SO ORDERED.**

1/4/13

DATED

  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge